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102D CONGRESS
*1st Session*

SENATE

REPORT
102-108

# RENAMING AND EXPANDING THE BOUNDARIES OF THE MOUND CITY GROUP NATIONAL MONUMENT IN OHIO

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JULY 15 (legislative day, JULY 8), 1991.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

## REPORT

[To accompany S. 749]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 749), to rename and expand the boundaries of the Mound City Group National Monument in Ohio, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

1. On page 3, line 2, strike "except" to the end of paragraph (c) and insert in lieu thereof ": *Provided*, That any such minor boundary adjustments cumulatively shall not cause the total acreage of the park to increase more than 10 per centum above the existing acreage of Mound City Group National Monument, plus the acreage of the inclusions authorized under section 2(a)".

2. On page 4, line 11, strike "any" and insert in lieu thereof "may".

### PURPOSE OF THE MEASURE

The purpose of S. 749, as ordered reported, is to authorize the addition of approximately 762 acres to the Mound City Group National Monument and to rename it as the "Hopewell Culture National Historical Park".

### BACKGROUND AND NEED

The Hopewell culture thrived along the Ohio River Valley from 100 B.C. to 500 A.D. Characterized by a highly developed trade network that ranged much of the Continental United States, the



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Hopewell left, as testaments to their wealth and power, a series of burial and ceremonial mounds. Exotic mortuary offerings, such as freshwater pearls and copper, silver and obsidian *objets d'art*, filled the graves. In addition, the Hopewell undertook elaborate public works projects or "earthworks" comprised of massive circular and geometric embankments.

Mound City Group National Monument was established in 1923 to preserve and interpret the remains of the Ohio Hopewell. In 1980, the monument was expanded by 150 acres to include the nearby Hopeton Earthworks. In addition, the Park Service was directed to investigate other regional archeological sites suitable for preservation. Of the nearly 20 sites considered, the Park Service recommended the addition of four: Hopeton Earthworks, High Banks Works, Hopewell Mound Group, and the Seip Earthworks. These sites represent the best examples of major Hopewell earthworks and contain significant Hopewell remains.

The addition of these sites, as provided in S. 749, will help protect the archeological resources from traffic, development, and other changes associated with modern civilization. It will also add 762 acres to the 270 acre park. Of the seven landowners affected, most, including the Ohio Historical Society and the Archaeological Conservancy, are willing sellers. One of these sites, the Hopeton Earthworks site, is partially within the monument now but much of the remainder (200 of the 224 acres) is owned by a gravel mining company. The Park Service, the Trust for Public Land, and the Archaeological Conservancy have been negotiating with the gravel pit owner to halt destruction of the landmark.

S. 749 also authorizes the Park Service to study three additional sites for future inclusion in the park. In addition, the bill renames the monument the Hopewell Culture National Historical Park to more accurately reflect that the park now includes earthworks and other Hopewell resources.

## LEGISLATIVE HISTORY

S. 749 was introduced by Senator Metzenbaum on March 21, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on this measure on May 21, 1991.

At the business meeting on June 26, 1991, the Committee on Energy and Natural Resources ordered S. 749, as amended, favorably reported.

## COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on June 26, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass S. 749, if amended as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

| YEAS | NAYS |
|---|---|
| Mr. Johnston | |
| Mr. Bumpers | |
| Mr. Ford | |
| Mr. Bradley* | |

Mr. Wirth
Mr. Conrad
Mr. Akaka*
Mr. Fowler*
Mr. Shelby*
Mr. Wellstone*
Mr. Wallop
Mr. Hatfield*
Mr. Domenici
Mr. Murkowski*
Mr. Nickles
Mr. Burns
Mr. Craig
Mr. Seymour
Mr. Garn*

*Indicates voted by proxy.

## COMMITTEE AMENDMENTS

During the consideration of S. 749, the Committee adopted two clarifying and technical amendments.

## SECTION-BY-SECTION ANALYSIS

Section 1 renames the Mound City Group National Monument as the Hopewell Culture National Historical Park (the "park").

Section 2 expands the boundaries of the park to include the four sites described and provides for the acquistion of lands and interests therein.

Section 3 allows the Secretary of the Interior (the "Secretary") to enter into cooperative agreements with the Ohio Historical Society, the Archaeological Conservancy, and other entities to assist in managing and interpreting the park.

Section 4 directs the Secretary to study areas adjacent to those added to the park to ensure adequate protection of the significant archeological resources as well as three named sites and any other archeological sites significant to the Hopewell culture. The Secretary is to transmit its recommendations to Congress.

Section 5 authorizes funds for land acquisition, preparation of studies, and development of facilities for the interpretation of the park.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, July 9, 1991*

Hon. J. BENNETT JOHNSTON, Jr.
*Chairman, Committee on Energy and Natural Resources,*
*U.S. Senate, Washington, DC*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 749, a bill to rename and expand the boundaries of the Mound City Group National Monument in Ohio, as ordered report-

ed by the Senate Committee on Energy and Natural Resources on June 26, 1991. Assuming appropriation of the necessary sums, CBO estimates that the federal government would incur one-time costs of about $6 million to implement the bill over the next five years. In addition, about $0.1 million would be spent each year for routine operation and maintenance. S. 749 would not affect direct spending or receipts, and thus would not involve pay-as-you-go scoring.

S. 749 would redesignate the Mound City Group National Monument as the Hopewell Culture National Historic Park. The park would also be expanded to include four new sites comprising about 760 acres, which could be acquired by the National Park Service (NPS) through purchase, donation, or exchange. The NPS would be authorized to enter into cooperative agreements with interested organizations for interpretation and management of the park. The agency would be directed to conduct archeological studies of the areas added by the bill as well as three additional sites and adjacent lands. Finally, Section 5 of the bill would authorize the appropriation of whatever sums are necessary for these purposes.

The costs of implementing S. 749 would depend on the outcome of formal property appraisals, NPS planning studies, and, finally, negotiations with the nonprofit organizations that own or will own property within the four new sites. Based upon the most recent information available and assuming appropriation of the necessary sums, CBO estimates that total initial costs would be about $6 million over the 1992–1996 period, including $4 million for property acquisition and about $2 million for planning, research, and minor development. Beginning in fiscal year 1992, an additional $0.1 million a year would be required to manage, operate and maintain the site. Such expenses do not include compensation to local governments in lieu of taxes or potential cooperative agreement payments to nonprofit organizations, which cannot be estimated at this time. Such expenses are not expected to be significant.

Enactment of this bill would have no significant impact on the budgets of state or local governments.

If you wish further details on this estiamte, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

ROBERT F. HALE
(For Robert D. Reischauer, Director).

## REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 749. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 749, as ordered reported.

## EXECUTIVE COMMUNICATIONS

On May 7, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 749. These reports had not been received at the time the report on S. 749 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JERRY ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, it is a pleasure to appear before you today to present the Administration's position on S. 749, a bill which, if enacted, would rename and expand the boundaries of the Mound City Group National Monument in the State of Ohio.

We request the Committee defer consideration of this measure pending the completion of land cost estimates now underway for the lands being proposed for additional to the park.

S. 749, if enacted, would rename the monument the Hopewell Culture National Historical Park. Further, section 2 would revise the boundaries of the park to include four additional detached areas, each of which is specifically referenced by map title, number, and date. The Secretary would be authorized to make minor additions to these new areas or to the existing park following public notice and comment, except that the additions may not exceed ten percent of the total acreage of the park on the date of enactment.

Lands and interest in lands could be acquired by donation, purchase with donated or appropriated funds, or exchange. Lands and interests in lands owned by the State of Ohio or any political subdivision thereof may only be acquired by donation or exchange.

Section 3 would authorize the Secretary to enter into cooperative agreements with the Ohio Historical Society, the Archeological Conservancy, and any other public or private entities for consultation and assistance in the interpretation and management of the park.

Section 4 would require the Secretary to conduct archeological studies of the four additions to the park for the purpose of assuring that the boundaries described provide adequate protection for the archeological resources of those areas. The Secretary is further required to conduct archeological studies of three specified areas as well as other unspecified areas significant to Hopewellian culture and report to Congress on any which are recommended for addition to the park.

There would be authorized to be appropriated such sums as are necessary to carry out the purposes of S. 749, including land acquisition, archeological studies, and development of facilities for interpretation of the park.

Mr. Chairman, Title VII of Public Law 96-607, approved in December 1980, directed the Secretary to study "other sites in the region which contain archeological data illustrating the prehistoric Hopewellian civilization that flourished in the Eastern United States" and further directed that he should identify those sites which should be protected as part of the Mound City Group National Monument. That study and an accompanying environmental assessment were completed in 1987. The study made a strong case for the addition of six Hopewellian sites to the park; however, subsequent review has led us to the view that two of those sites are not suitable for addition. The remaining four sites are those identified in S. 749. Likewise, a case is made in the study for the name change suggested in section 1 of S. 749 to the Hopewell Culture National Historical Park.

It is important to note that these additional sites being proposed for addition to the park are not only archeologically significant in their own right, but, further, the resources they contain are not merely replicas of what already exists within the boundaries of Mound City Group National Monument. Unlike the sites within the existing park which are related primarily to ceremonial aspects of Hopewellian culture, those being proposed for addition contain aspects of human habitation and, consequently, reveal a significant element of this culture heretofore not found in this region.

One site in particular is of concern to us, in that human remains have been partially unearthed by a gravel mining operation that has been temporarily suspended by the owner of the site, the Chillicothe Sand and Gravel Company. We realize, however, that it is not reasonable to expect this temporary self-imposed moratorium to remain in place forever, absent some expression of interest by preservationists to acquire the company's interests in the property. We are working closely with the Trust for Public Lands in an effort to accurately assess the value of this particular parcel and, along with estimates of the other three parcels, this work is expected to be completed sometime around mid-summer.

Mr. Chairman, we have committed sufficient resources to acquire this cost data in a timely fashion. We suggest that decisions about the ultimate fate of these resources be deferred until that information is available both to the Congress and the Administration. I would be pleased to respond to your questions at this time.

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 749, as ordered reported.

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